



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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GAIL FARBER, Director

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

January 29, 2013

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

27 January 29, 2013

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

Dear Supervisors:

**RESOLUTION OF INTENTION AND INTRODUCTION OF AN ORDINANCE TO
GRANT A 30-YEAR PROPRIETARY ELECTRICAL TRANSMISSION FRANCHISE
TO SOLAR STAR CALIFORNIA XIX, LLC,
A DELAWARE LIMITED LIABILITY COMPANY,
IN THE COUNTY HIGHWAYS KNOWN AS AVENUE A AND 140TH STREET
IN THE UNINCORPORATED ANTELOPE VALLEY AREA OF
THE COUNTY OF LOS ANGELES
(SUPERVISORIAL DISTRICT 5)
(3 VOTES)**

SUBJECT

This action is to grant an electrical transmission franchise to Solar Star California XIX, LLC, a Delaware Limited Liability Company, in the County highways known as Avenue A and 140th Street in the unincorporated Antelope Valley area of the County of Los Angeles.

IT IS RECOMMENDED THAT THE BOARD:

1. Acting as a responsible agency for the proposed project to grant an electrical transmission franchise, rely on the actions of the Los Angeles County Regional Planning Commission, which considered the Environmental Impact Report certified by Kern County as lead agency, together with any comments received during the public review period; independently considered and reached its own conclusions on behalf of the County regarding the environmental effects of the project as shown in the Environmental Impact Report; adopted the mitigation monitoring program finding the mitigation monitoring program is adequately designed to ensure compliance with the mitigation measures during project implementation; found that there are no further feasible alternatives or feasible mitigation measures within the Board's power that would substantially lessen or avoid any significant effect the project would have on the environment; and determined that the significant adverse effects

of the project have either been reduced to an acceptable level or are outweighed by the specific consideration of the project as outlined in the Findings of Fact and Statement of Overriding Considerations, which findings and statement were adopted and are incorporated herein by reference; and adopted the Addendum to the EIR.

2. Approve the Resolution of Intention to grant Solar Star California XIX, LLC, a Delaware Limited Liability Company, a proprietary electrical transmission franchise.

3. Introduce, waive reading, and place on the Board's agenda an ordinance to grant Solar Star California XIX, LLC, a Delaware Limited Liability Company, a 30-year proprietary electrical transmission franchise, setting the matter for Public Hearing on February 26, 2013, and instruct the Executive Officer of the Board to publish a Notice of Public Hearing pursuant to California Public Utilities Code Section 6232.

AFTER THE PUBLIC HEARING, IT IS RECOMMENDED THAT THE BOARD:

Adopt the ordinance to grant Solar Star California XIX, LLC, a Delaware Limited Liability Company, a proprietary electrical transmission franchise in the County highways known as Avenue A and 140th Street in the unincorporated Antelope Valley area of the County of Los Angeles.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is to rely on the prior environmental approval provided by the Los Angeles County Regional Planning Commission, approve a Resolution of Intention, introduce an ordinance, schedule a Public Hearing, and publish a Notice of Public Hearing as needed to adopt an ordinance to grant Solar Star California XIX, LLC, a Delaware Limited Liability Company (SOLAR), a 30-year proprietary electrical transmission franchise in the County highways known as Avenue A and 140th Street in the unincorporated Antelope Valley area of the County of Los Angeles (County).

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provisions of Fiscal Sustainability (Goal 2) and Integrated Services Delivery (Goal 3). The revenue received from this transaction will help promote fiscal sustainability for the operation and maintenance of County highways. This transaction also allows for the continuation of utility services through renewable sources, thereby maximizing opportunities to measurably improve client and community outcomes.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

SOLAR has paid the County a one-time granting fee of \$5,000 to process an ordinance to grant the franchise and will pay the first year's franchise fee of \$2,500, which will be deposited into the County Road Fund and adjusted annually per the Consumer Price Index for All Consumers.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

SOLAR's project consists of the construction and operation of a new 650 megawatt solar-photovoltaic, power generating facility on approximately 4,782 acres of which 3,544 acres are located within Kern County including the majority of the necessary infrastructure for the project. The remaining 1,238 acres are located within the County and consist of approximately 557 acres of photovoltaic solar panel arrays and electrical equipment and includes 650 feet of underground cable circuit crossings along Avenue A and 140th Street in the unincorporated Antelope Valley area. The Los Angeles County Regional Planning Commission approved a Conditional Use Permit for the project on October 19, 2011.

Division 3, Title 16 of the County Code authorizes the Board to grant a franchise associated with electrical transmission lines. County Counsel has reviewed the accompanying Resolution of Intention and Franchise Ordinance and approved them as to form.

Pursuant to Section 6232 of the California Public Utilities Code, the Executive Officer of the Board shall arrange for the publishing of a notice of the Public Hearing in a newspaper of general circulation in the County at least once within 15 days after the Board's adoption of the Resolution of Intention.

ENVIRONMENTAL DOCUMENTATION

The County of Los Angeles, through its Regional Planning Commission, has acted as a responsible agency for the proposed project to grant an electrical transmission franchise. Kern County, acting as the lead agency for the project, prepared an initial Study, consulted with the County, and certified the Environmental Impact Report (EIR) for the project to construct an electric generating plant on August 2, 2011. On October 19, 2011, acting on behalf of the County as a responsible agency, the Regional Planning Commission considered the certified EIR, adopted the Los Angeles County Addendum to the EIR, the CEQA Findings of Fact, the Statement of Overriding Considerations, and the Mitigation and Monitoring Plan for the project. As indicated in the EIR and Los Angeles County Addendum, the significant adverse effects of the actions recommended herein have either been reduced to an acceptable level or are outweighed by the specific consideration of the project.

Upon the Board's approval of the project, Public Works will file a Notice of Determination with the office of the Registrar-Recorder/County Clerk of the County of Los Angeles (County Clerk) in accordance with Section 21152(a) of the California Public Resources Code and pay the required processing fee with the County Clerk in the amount of \$75.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no impact or adverse effect to any current services or future County projects.

CONCLUSION

Please return one adopted copy of this letter, Resolution of Intention, and Franchise Ordinance to the Department of Public Works, Survey/Mapping & Property Management Division. Retain the duplicate for your files.

The Honorable Board of Supervisors

1/29/2013

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Respectfully submitted,

A handwritten signature in cursive script that reads "Gail Farber".

GAIL FARBER

Director

GF:SGS:hp

Enclosures

c: Auditor-Controller (Accounting Division-Asset
Management)
Chief Executive Office (Rita Robinson)
County Counsel
Executive Office

RESOLUTION OF INTENTION TO GRANT A 30-YEAR PROPRIETARY
ELECTRICAL TRANSMISSION FRANCHISE TO
SOLAR STAR CALIFORNIA XIX, LLC.
A DELAWARE LIMITED LIABILITY COMPANY

BE IT RESOLVED by the Board of Supervisors of the County of Los Angeles, State of California:

- A. Solar Star California XIX, LLC, a Delaware Limited Liability Company (Franchisee), has applied to the Board of Supervisors of the County of Los Angeles, State of California, for a franchise for a period of thirty (30) years beginning on March 28, 2013, the operative date of the franchise, to construct, operate, maintain, renew, repair, change the size of, or remove or abandon in place any electrical transmission system, consisting of conduits, manholes, vaults, cables, wires, switches, communication circuits and other equipment, appliances, and appurtenances necessary and appropriate for cable circuit crossings for the purpose of conducting and transmitting electricity and electrical energy for light, heat, and power purposes and for any and all other purposes for which electricity can be used for the Franchisee's operations in connection with its solar-photovoltaic power generating facility in the vicinity of 130th Street West and Avenue A on, along, upon, in, under, or across those highways as defined in Section 16.36.080 of the Los Angeles County Code now or hereafter dedicated to public use within the unincorporated territory of the County of Los Angeles, State of California, identified as Avenue A between 160th Street West and 150th Street West and 140th Street, south of Avenue A, as more particularly shown on Exhibit A to the Ordinance, attached hereto and made a part hereof, (Franchise Area).
- B. It is the intention of the Board of Supervisors of the County of Los Angeles, State of California, to grant the franchise applied for upon the terms and conditions herein mentioned. The Franchisee and its successors and assigns will, during the life of its franchise, pay annually to the County, State of California, the amount specified in the proposed Ordinance to grant the franchise from the date of the granting of the franchise and in the event such payment is not made the franchise will be forfeited.
- C. The franchise described in the Ordinance attached hereto as Exhibit A is a franchise for electric transmission purposes.
- D. That on the 26th day of February 2013, at the hour of 9:30 a.m. of said day, a day not less than twenty (20) days or more than sixty (60) days after the date of the passage of this Resolution of Intention in the hearing room of the Board of Supervisors, Room 381, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, CA 90012, all persons having any objection to the granting

of the franchise hereinabove described may appear before the Board of Supervisors and be heard thereon.

- E. The Executive Officer, Board of Supervisors, shall cause notice of said hearing to be published at least once within fifteen (15) days after adoption of this Resolution of Intention in a newspaper of general circulation published in the County of Los Angeles, State of California.

The foregoing resolution was adopted on the 29th day of January, 2013, by the Board of Supervisors of the County of Los Angeles, State of California, and ex-officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts.



SACHI A. HAMAI
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By

Deputy

APPROVED AS TO FORM BY:

JOHN F. KRATTLI
County Counsel

By

Deputy

OM:hp

P:\MPPUB\RESOLUTION\RESOLUTION 140TH ST RESOLUTION

Attach.